



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

DEC 2 2002

Mr. William L. Sharp
Office of the General Counsel
New York Department of State
41 State Street
Albany, New York 12231

Re: Consistency Appeal of Millennium Pipeline Company, L.P.

Dear Mr. Sharp:

I am writing to clarify our practice with respect to the availability of comments received from the public concerning Millennium's appeal. On July 12, 2002, in connection with establishing an initial briefing schedule, I wrote the parties and advised that "[t]he State [of New York] and Millennium will receive a copy of all comments received." As a follow-up to this statement, electronic copies of comments submitted on the appeal have been provided to the parties through a Department of Commerce internet site (www.ogc.doc.gov/czma/htm). At the site, comments may be reviewed online, downloaded, or printed for later use. The site is updated periodically to include additional comments received on the appeal. This process is ongoing, and will continue as the public comment period has been reopened through January 8, 2003.

The parties in this appeal have received on two occasions xerographic copies of comments. The first was in early July, before the website was operating. In early October, we mailed to the parties a portion of the comments that had been received following the announcement in September of the public comment period. We advised the parties informally that this mailing occurred because of delays in posting materials to the newly established website for the Millennium appeal, with the understanding that when the website became fully operational, it would serve as the mechanism for making comments available to the parties.

The decision to use the website was implemented in order to provide the parties and other interested entities with faster and more complete access to comments. (In previous appeals involving major projects, only a portion of the comments were copied and mailed to the parties periodically. The complete set of comments was available for inspection in our Silver Spring office.) The website also allows resources of our office to be used more efficiently on other aspects of the appeal.

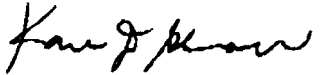
We first received word in late November that your expectations differed regarding access to comments submitted for the appeal. Given that comments posted to the website are immediately



accessible to the State of New York, we encourage you to review them at your earliest convenience. The reopening of the public comment period may provide sufficient time for the State to review comments previously posted at the website. Alternatively, the comments are available for inspection at our office. If the State requires additional time, we suggest that it plan accordingly when proposing a schedule for filing reply briefs for the appeal.

We are interested in addressing any technical problems with the website that may impede efforts of the parties to review specific comments or other documents submitted for the appeal, and request that you bring any such problems to our attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karl D. Gleaves".

Karl D. Gleaves
Assistant General Counsel
for Ocean Services

cc: Frederic G. Berner, Jr.
Attorney for Millennium Pipeline Co.



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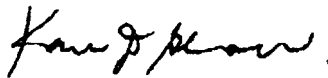
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